

ORIGINAL

U.S. COURT OF APPEALS, THIRD CIRCUIT

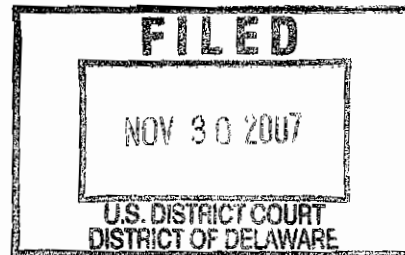
Circuit Court Docket No. _____

David Rush,
Plaintiff/Appellant,

District Court CA, No. 07-514-SLR

v.

Correctional Medical Services, Inc. et al,
(Defendants/Appellee First Correctional Medical, Inc.,
Defendant/Appellee Correctional Medical Services, Inc,
Defendant/Appellee Dr. Sitta Gombah-Alie,
Defendant/Appellee Dr. John Doe,
Defendant/Appellee Dr. Fedrick Durst,
Defendant/Appellee Dr. Muhammad Niaz, and
Defendant/Appellee Dr. McDonald).



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District Court Judge: Honorable Sue L. Robinson

APPELLANT'S MOTION TO PROCEED ON THE ORIGINAL RECORD

Appellant, Rush, moves this Honorable Court pursuant to FRAP 30 (f) and 3rd Cir. LAR 30. 2, to allow these proceedings to be determined on the original record. Rush is a pro se plaintiff/appellant and seeks pleading leniency under *Haines v. Kerner*, 404 U.S. 519 (1972). See below:

1. Rush is a pro se litigant who was granted inform a pauperis status in the Delaware District Court below and Rush has filed for a Notice of Appeal. Failure to grant the instant request will cause Rush hardship and will be prohibitively burdensome and unnecessarily expensive (e.g. legal copies and postage).
2. Rush filed with the lower Court on 11-28-07 a Certification of the Record (D.I. _____). Therein, Rush states that no trial transcripts are required; however, he does request that the full record below be forwarded to the Court of Appeals.
3. Also, the entire existing court docket pertains to matters on appeal.

WHEREFORE, Rush prays this Honorable Court grants the instant request.

David Rush

11-28-07

David Rush, SBI 173418
1181 Paddock Rd., Smyrna, DE 19977

Date

CERTIFICATE OF SERVICE

I, David Rush, Plaintiff/Appellant, do swear that I have caused to be delivered upon the below listed parties the following true and correct filings:

1. Appellant's Motion to Proceed on the Original Record

2. Certification of the Record

3. N/A

By placing same in a U.S. Mail receptacle on 28th day of November 2007.

David Rush

David Rush
SBI #173418
1181 Paddock Rd.
Smyrna, DE 19977

U.S. Court of Appeals
For the Third Circuit
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Philadelphia, PA 19106

U.S. District Court
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